

# Exhibit A



October 31, 2022

**Nicole Haimson**  
518.320.3608 (direct)  
Nicole.Haimson@wilsonelser.com

**Via E-Mail**

annamarietrombettalegal@outlook.com

Annamarie Trombetta  
175 East 96th Street  
Apt. 12R  
New York, NY 10128

Re: *Annamarie Trombetta v. Norb Novocin, et.al.*  
Civil Action No.: 1:18-cv-00993-RA-SLC  
Our File No.: 19701.00006

Dear Ms. Trombetta,

As you are aware, our firm represents WorthPoint Corporation (“WorthPoint”) in connection with the above-captioned litigation.

We write to address several deficiencies in your responses to the discovery requests we made during your deposition on August 30, 2022 (the “Deposition Demands”), and to memorialize certain things that were discussed during the meet and confer the parties attended on October 28, 2022.

**WorthPoint’s Deposition Demands**

Preliminarily, we note that the Deposition Demands consist of 16 separate discovery demands which were made during your recent deposition. *See*, Deposition Transcript of Plaintiff dated August 30, 2022 (“Trombetta Tr.”), page 302. The demands themselves may be located at the following pages of your transcript: 99, 100, 156, 179, 208, 213, 223, 230, 238, 239, 268, 269, and 270, 284, 292, 294, 299.

On October 20, 2022, you physically delivered to our offices additional documents purporting to respond to the Deposition Demands, including documents Bates Stamped Plaintiff000351 to Plaintiff000388 (the “10/20/22 Production”).

However, we have noted the following general deficiencies with respect to your responses:

- **You have chronologically numbered the documents in the 10/20/22 Production, but failed to Bates Stamp each page. As we have advised you on multiple occasions, every page of each document needs to be Bates Stamped.** For example, Plaintiff000388 is a document that consists of 12 separate pages, but each page is not Bates Stamped. Numbering your documents in this fashion makes it very difficult for these documents to be utilized by the parties at deposition, motion, and trial. Please correct the Bates Stamping on your production and resend it to us.

150 East 42nd Street • New York, NY 10017 • p 212.490.3000 • f 212.490.3038

Alabama • Albany • Atlanta • Austin • Baltimore • Beaumont • Boston • Chicago • Dallas • Denver • Edwardsville • Garden City • Hartford • Houston  
Indiana • Kentucky • Las Vegas • London • Los Angeles • Miami • Michigan • Milwaukee • Mississippi • Missouri • Nashville • New Jersey • New Orleans  
New York • Orlando • Philadelphia • Phoenix • San Diego • San Francisco • Sarasota • Stamford • Virginia • Washington, DC • Wellington • White Plains

**wilsonelser.com**



- 2 -

- **Your responses do not indicate how the 10/20/22 Production is responsive to the Deposition Demands.** Please supplement your response and indicate which Bates numbers are responsive to which of the Deposition Demands. Further, for each request, please advise whether this request has been fully responded to, i.e. whether you are in possession of any additional documents or information responsive to the demand.

**Further, the 10/20/22 Production does not appear to include any documents responsive to the following demands:**

**Request 1:** Pages 1 and 3-7 of the incomplete document marked as Defendant's Exhibit 6 (Bates Stamped Plaintiff000087), as well as the full and complete document from which this Exhibit was copied and/or reproduced. *See*, Deposition Transcript of Plaintiff dated August 30, 2022 ("Trombetta Tr."), Pages 93-100.

Please confirm whether you have the documents/pages being requested, and if so, produce same to us. To the extent you are in possession of these documents/pages but are withholding or refusing to produce same, please so state. To the extent you are in possession of such documents/pages and intentionally withhold same, we may move the Court to compel you to produce them, and if you attempt to introduce at motion or trial any documents/pages you failed to produce to us during discovery or any incomplete documents or any incomplete documents, we will move to preclude you from relying upon them.

**Request 2:** Pages 1 and 4-7 of the incomplete document marked as Defendant's Exhibit 8 (Bates Stamped Plaintiff000069- Plaintiff000070), as well as the full and complete document from which this Exhibit was copied and/or reproduced. *See*, Trombetta Tr., Pages 155-156.

Please confirm whether you have the documents/pages being requested, and if so, produce same to us. To the extent you are in possession of these documents/pages but are withholding or refusing to produce same, please so state. To the extent you are in possession of such documents/pages and intentionally withhold same, we may move the Court to compel you to produce them, and if you attempt to introduce at motion or trial any documents/pages you failed to produce to us during discovery or any incomplete documents, we will move to preclude you from relying upon them.

**Request 3:** Documents and Communications evidencing that WorthPoint visited Plaintiff's website and/or accessed Plaintiff's Biography, prior to August 13, 2015. *See*, Trombetta Tr., Pages 177-179.

Please confirm whether you have the documents/pages being requested, and if so, produce same to us. To the extent you are in possession of these documents/pages but are withholding or refusing to produce same, please so state. To the extent you are in possession of such documents/pages and intentionally withhold same, we may move the Court to compel you to produce them, and if you attempt to introduce at motion or trial any documents/pages you failed to produce to us during discovery or any incomplete documents, we will move to preclude you from relying upon them.



- 3 -

**Request 7:** The native, electronic, version of Plaintiff's email to William Seippel dated February 20, 2016, including all attachments. *See*, Trombetta Tr., Pages 227-230.

As discussed during our meet and confer, we have the right to request that any email correspondence produced by you be produced in its native form. With respect to this email, we are seeking the *electronic* version of the email containing metadata, and not a printout. It is our understanding that you are currently in possession of this email and it resides on your Yahoo email account. Please download the email from Yahoo and send us the electronic file. Instructions regarding how to do so are publicly available on the internet. *See*, e.g., <https://www.pcvita.com/blog/how-to-download-emails-from-yahoo-to-computer.html>. To the extent you are refusing to produce this email, please so state so we can seek assistance from the Court and move to compel. Further, please note that if you intentionally withhold producing this email in its native form and attempt to introduce this email at motion or trial, we will move to preclude you from relying upon same.

**Request 10:** Page 2 of the incomplete document marked as Defendant's Exhibit 25 (Bates Stamped Plaintiff000062A), as well as the full and complete document from which this Exhibit was copied and/or reproduced. *See*, Trombetta Tr., Pages 269-271.

Please confirm whether you have the documents/pages being requested, and if so, produce same to us. To the extent you are in possession of these documents/pages but are withholding or refusing to produce same, please so state. To the extent you are in possession of such documents/pages and intentionally withhold same, we may move the Court to compel you to produce them, and if you attempt to introduce at motion or trial any documents/pages you failed to produce to us during discovery or any incomplete documents, we will move to preclude you from relying upon them.

**Request 11:** Pages 2-5 of the incomplete document marked as Defendant's Exhibit 29 (Bates Stamped Plaintiff000314), as well as the full and complete document from which this Exhibit was copied and/or reproduced. *See*, Trombetta Tr., Pages 281-284.

Please confirm whether you have the documents/pages being requested, and if so, produce same to us. To the extent you are in possession of these documents/pages but are withholding or refusing to produce same, please so state. To the extent you are in possession of such documents/pages and intentionally withhold same, we may move the Court to compel you to produce them, and if you attempt to introduce at motion or trial any documents/pages you failed to produce to us during discovery or any incomplete documents, we will move to preclude you from relying upon them.

**Request 12:** Documents and Communications showing all artwork sales made by Plaintiff's from 2017 to present. *See*, Trombetta Tr., Pages 291-292.

During our meet and confer, you indicated that you have in your possession additional documents which you have *not* produced to us relating to artworks you have sold from 2017 to present. However, you indicated you would not be producing these additional documents, since you've produced all the documents you intend to use at motion and/or trial.



- 4 -

Please confirm whether you are in possession of additional documents relating to your artwork sales which you are withholding or refusing to produce. To the extent that is the case, we may move the Court to compel you to produce them, and if you attempt to introduce at motion or trial any documents/pages you failed to produce to us during discovery or any incomplete documents, we will move to preclude you from relying upon them.

**Request 13:** Written confirmation as to whether Plaintiff is seeking damages from WorthPoint for any alleged physical harm Plaintiff suffered as a result of the allegations in the Complaint. *See*, Trombetta Tr., Page 294.

During our meet and confer you indicated you are seeking damages for physical harm as a result of the allegations in the Complaint. Please confirm in writing that this is the case, and particularize the alleged damages you suffered, explaining the damages and the causation element your physicians attribute to our client's conduct.

**Request 14:** To the extent Plaintiff is seeking damages for alleged physical harm from WorthPoint, Documents and Communication showing that Plaintiff suffered such alleged damages, including records from Plaintiff's physicians and treating healthcare providers relating to any former or ongoing healthcare Plaintiff received. *Id.*

To date, the only medical records you have produced are billing statements from Altman Physical Therapy Center and Russell Silver, MD. Please confirm whether you are in possession of any further medical records, and if so, produce same to us. To the extent you are in possession of these documents but are withholding or refusing to produce same, please so state. To the extent you are in possession of these documents but are withholding or refusing to produce same, please so state. To the extent you are in possession of such documents and intentionally withhold same, we may move the Court to compel you to produce them, and if you attempt to introduce at motion or trial any documents you failed to produce to us during discovery or any incomplete documents, we will move to preclude you from relying upon them.

**Request 15:** To the extent Plaintiff is seeking damages for alleged physical harm from WorthPoint, duly executed unrestricted authorizations enabling counsel for WorthPoint to inspect, examine, and copy such records for all of Plaintiff's treating providers. *See*, Trombetta Tr., Page 294.

Please provide us with duly executed unrestricted authorizations enabling us to inspect, examine and copy medical records from your medical providers. The HIPAA form is easily obtainable from publicly available resources and we are not obligated to send it to you. Nevertheless, as a courtesy to you, we hereby direct you to the template HIPAA authorization form, which may be located at the following location:  
[https://www.nycourts.gov/forms/Hipaa\\_fillable.pdf](https://www.nycourts.gov/forms/Hipaa_fillable.pdf).

**Request 16:** Contact information for Terry Mizner, including any known phone number(s), address(es), and current e-mail address(es). *See*, Trombetta Tr., Pages 297-300.

On your transcript, you physically wrote "Address is old. New address not known to Plaintiff." *See*, Trombetta Tr., Page 300. This is unacceptable. Please provide us with any



- 5 -

contact information you have for Ms. Mizner, regardless of whether you believe it is complete or current. To the extent you are in possession of such information but are withholding or refusing to produce same, please so state.

To the extent you believe you have produced documents responsive to the above-mentioned Deposition Demands, *please indicate which Bates Numbers in your productions are responsive to which demands.* To be clear, whether WorthPoint and/or the EAI Defendants have produced any of these documents/information is irrelevant, as you are under a separate obligation to produce all relevant documents/information in your possession.

We further note that there may be other issues with your responses and WorthPoint reserves the right to seek further responses as the need arises or becomes clear, and therefore reserves its rights accordingly.

Other Discovery Matters

We acknowledge receipt of your responses to the Supplemental Rule 37 letter we sent to you, and the hundreds of pages of documents you submitted therewith. However, you produced these responses/documents late on a Friday and over the weekend. As you were previously advised, counsel was out of town last week and our office is closed on the weekends. As such, we have not yet had an opportunity to review the sufficiency of your responses to the Supplemental Rule 37 letter. We will follow up with you under separate cover regarding any deficiencies contained therein.

We will also be submitting an appropriate letter to the Court today informing that discovery is not yet complete insofar as you require additional time to respond to this letter and we require additional time to review and address your responses to our Supplemental Rule 37 letter.

Thank you in advance for your attention and anticipated cooperation with respect to this matter. Should you have any questions or comments, please let us know.

Very truly yours,

**WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP**

/s/Nicole Haimson/

Nicole Haimson

cc: All counsel